

REMARKS

I. General

Claims 1, 5, 9, 13 and 19 have been amended. Claims 1-13, 15-29 stand rejected under 35 U.S.C. § 103(a). Claims 1-13 and 15-29 are pending in this application.

II. Rejection under 35 U.S.C. § 103 (Pepe)

Claims 1-2, 4-6, 8-10, 13, 15-17 and 19-29 stand rejected under stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pepe et al. (5,742,905, hereinafter Pepe).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Applicant asserts that the rejections do not satisfy the third criteria.

Claims 1, 5, 9, 13 and 19 require a message ID for each message that contains the characteristic match, and alerting a subscriber to the receipt of messages having characteristics matching the stored characteristics, the alert including the message ID. Pepe does not disclosure at least these limitations.

As admitted by the Examiner, Pepe only teaches alerting the user in response to a voice call using the Call Command function and accepting instructions from the user at to the routing of the voice call. Column 36, lines 24-29. However, the user is only shown the number from which the incoming call originates. Column 34, lines 24-25. Pepe does not describe a message ID or an alert including the message ID as required by claim 1, 5, 9 and 13. As Pepe does not describe this limitation and there is no motivation to modify Pepe in this manner, Claims 1, 5, 9 and 13 are allowable over the rejection of record.

Claims 2, 4, 6, 4, 10-11, 15-17 and 20-29 each depend directly or indirectly from one of independent claims 1, 5, 9, 13 or 19 and inherit all the features and limitations of their respective base claim. Thus, claims 2, 4, 6, 4, 10-11, 15-17, and 20-29 each set forth features and limitations not found in Pepe and were improperly rejected, as discussed above.

Therefore, Applicant respectfully asserts that for at least the above reasons, claims 2, 4, 6, 4, 10-11, 15-17 and 20-29 are patentable over Pepe and requests the 35 U.S.C. § 103(a) rejection be withdrawn.

III. The 35 U.S.C. § 103 Rejections (Pepe in view of Fuller)

Claims 3, 7, 12, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pepe in view of Fuller et al. (6,545,589).

Claims 3, 7, 12, and 18 each depend directly or indirectly from one of independent claims 1, 5, 9, or 13 and inherit all the features and limitations of their respective base claim. Thus, Pepe does not describe each and every limitation of the claims and Fuller is not relied upon as teaching these limitations. Therefore, Applicant respectfully asserts that for at least the above reasons, claims 3, 7, 12, and 18 are patentable over Pepe in view of Fuller and requests the 35 U.S.C. § 103(a) rejection be withdrawn.

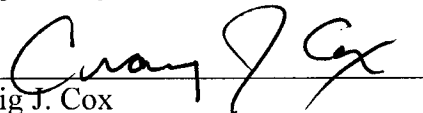
CONCLUSION

In view of the above, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 06-2380, under Order No. 66360/P001D1/10402620 from which the undersigned is authorized to draw.

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Respectfully submitted,

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